

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 7-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

112701-704

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/568785

INTERNATIONAL APPLICATION NO.

PCT/EP04/008566

INTERNATIONAL FILING DATE

30 July 2004

PRIORITY DATE CLAIMED

25 August 2003

TITLE OF INVENTION

METHOD AND DEVICE FOR PREPARATION OF A DRINK FROM CAPSULES CONTAINING A SUBSTANCE

APPLICANT(S) FOR DO/EO/US

Denisart et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 680 097 656 US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| U.S. APPLICATION NO (if known, see 37 CFR 1.5) | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER | | | | | | | | | | | | | | | | |
|---|-------------------------------|---|--|---------|--------------|-----------|-----------|------------|---|---------|-------------|------------|---|-----------|--|---------|--|--|
| 10/568785 | PCT/EP04/009349 | 112701-704 | | | | | | | | | | | | | | | | |
| 23. Other items or information: Power of Attorney (1 page) Return Receipt Postcard | | | | | | | | | | | | | | | | | | |
| The following fees have been submitted: 24. <input checked="" type="checkbox"/> Basic national fee \$300 25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article \$0 All other situations. \$200 26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500 TOTAL OF 24, 25 and 26 = | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">CALCULATIONS</th> <th style="text-align: left;">PTO USE</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>\$ 1,000.00</td> <td></td> </tr> </table> | CALCULATIONS | PTO USE | \$ 300.00 | | \$ 200.00 | | \$ 500.00 | | \$ 1,000.00 | | | | | | | |
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| \$ 1,000.00 | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole)</th> <th>RATE</th> </tr> <tr> <td>46 - 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> </tr> </table> | Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | 46 - 100 = | 0 /50 = | 0 | x \$250.00 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 0.00 | | | | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | | | | | | | | | | | | | | |
| 46 - 100 = | 0 /50 = | 0 | x \$250.00 | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$</td> <td></td> </tr> </table> | \$ | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>30 - 20 =</td> <td>10</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$200.00</td> </tr> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | Total claims | 30 - 20 = | 10 | x \$50.00 | Independent claims | 2 - 3 = | 0 | x \$200.00 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 500.00 | | \$ 0.00 | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | | | | |
| Total claims | 30 - 20 = | 10 | x \$50.00 | | | | | | | | | | | | | | | |
| Independent claims | 2 - 3 = | 0 | x \$200.00 | | | | | | | | | | | | | | | |
| \$ 500.00 | | | | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 0.00 | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | \$ 1,500.00 | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 0.00 | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| SUBTOTAL = | | \$ 1,500.00 | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 0.00 | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | | \$ 1,500.00 | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$ 0.00</td> <td></td> </tr> </table> | \$ 0.00 | | | | | | | | | | | | | | | |
| \$ 0.00 | | | | | | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | \$ 1,500.00 | | | | | | | | | | | | | | | | |
| Amount to be | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$</td> <td></td> </tr> </table> | \$ | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | |
| Amount to be | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>\$</td> <td></td> </tr> </table> | \$ | | | | | | | | | | | | | | | |
| \$ | | | | | | | | | | | | | | | | | | |

10/568785

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- 16 FEB 2006
- a. ☒ A check in the amount of \$ \$1,500.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett (30,142)
Customer No.: 29157

SIGNATURE

Robert M. Barrett

NAME

30,142

REGISTRATION NUMBER

February 16, 2006

DATE

10/568785

1AP20 Rec'd PCT/PTO 16 FEB 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denisart et al.
Appl. No.: PCT/EP04/008566
Filed: 30 July 2004
Title: METHOD AND DEVICE FOR PREPARATION OF A DRINK FROM CAPSULES
CONTAINING A SUBSTANCE
Art Unit: Unknown
Examiner: Unknown
Docket No.: 112701-704

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (3 pages) (duplicate);
2. Copy of International Application As Filed (46 pages);
3. English Translation of International Application (34 pages);
4. Copy of International Preliminary Examination Report (5 pages);
5. Copy of International Search Report (3 pages);
6. Executed Declaration (4 pages);
7. Power of Attorney (1 page);
8. Preliminary Amendment (50 pages);
9. Information Disclosure Statement (1 page), PTO-1449 (1 page), Cited References (2 documents);
10. Certified Copy of Priority Document (EP 03019164.7);
11. Check in the Amount of \$1,500.00; and
12. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 16, 2006

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence

Signature

EV 680 097 656 US

Express Mail Mailing Label Number